

March 1, 2002

TO: Recipients of Legislative Memos

FROM: David A. Vogler, Legal Counsel

SUBJECT: Legislative Memo #6 for the 2002 Session

This constitutes Legislative Memo #6 for the 2002 Session. You will notice that once again this memo covers a two-week period from February 19-28. Today, March 1, is a recess day for the legislature as is Monday, March 4. In addition, the Speaker adjusted the session calendar by making Friday, March 8, a recess day in order to hold hearings on the budget situation. The new sine die date for the session is April 19. We have now passed the 33rd day of this 60-day session.

Hearings on new bills have now been completed and full day sessions on the floor start on March 5. Hopefully things will move along a bit quicker starting then, but with the issues being discussed and the budget situation, I have little optimism that natural resource bills will make it through, although there has been some progress in this last week.

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Enclosure

2002 LEGISLATIVE MEMO #6

The following seven bills of interest have been Indefinitely Postponed this last week:

LB 628: State 404 Program

LB 632: Change Number of Members of Game and Parks Commission

LB 764: Storm Water Drainage/Special Assessments

LB 837e: NRD and County standing in DNR hearings

LB 889: Amend Water Well Standards and Contractor's Licensing Board

LB 1272: Env. Response Contingency Fund from the Lottery Funds

LB 1291: Scrap Tire Grant Trust under the Environmental Trust

LB 1023: Water Policy Task Force

As was reported earlier, LB 1023 was placed on General File on February 12. It carries with it a committee priority and rumor is that it is the top committee priority so Speaker Kristensen will probably get it on the agenda at some point. The bill came out of committee with some amendments which should help guide the task force. First, the amendment establishes an executive committee consisting of : 3 representatives from irrigation interests; 1 representative from an agricultural organization; 1 representative from an environmental organization; 1 representative from a recreational organization; 1 representative of the state at-large; 1 representative of the Natural Resource Districts; 1 representative of the Nebraska Power Association; 1 representative of municipalities; 1 representative of the Department of Natural Resources; 1 representative of the Attorney General's office; and the chair and vice-chair of the Natural Resources Committee of the Legislature. The second part of the amendment specifies the issues to be examined by the task force. They include: 1) a review of LB 108 and conjunctive use issues; 2) the utility of temporary water right transfers; 3) the utility of permanent water right transfers; 4) the usefulness of leasing and water banking; and 5) in what ways inequities between surface and ground water users need to be addressed. Finally, the amendment establishes the make-up of the task force. It is to include: 20 irrigators with at least one from each of the 13 basins in the State, including 3 from the Republican, 2 from the North Platte, 2 from the Middle Platte, 2 from the Loup, 2 from the Elkhorn, 2 from the Big Blue, and one each from the South Platte, Lower Platte, Little Blue, Nemaha, Niobrara, White Hat, and Missouri Tribes.; three representatives from agricultural organizations; three representatives from environmental organizations; two representatives from recreational organizations; three representatives from the state at-large; five representatives from the Nebraska Association of Resources Districts; four representatives from the Nebraska Power Association; five representatives suggested by the League of Municipalities; one representative from the Department of Natural Resources; one representative from the Attorney General's Office; and the chair and vice-chair of the Natural Resources Committee.

LB 458 Water Well Board Report

LB 458 which originally just removed a reporting requirement for the Water Well Standards and Contractor's Board and now contains the Industrial Well registration fix and the extension of the sunshine date for LB 108 moratorium (see Memo #4) now has two more "ornaments" proposed as amendments. AM 2950 would add to LB 458 what essentially was LB 764, the authority for NRD's to establish storm water management programs in concert with municipalities. The second "ornament" under AM 2950 is what was LB 938 which authorizes the use of the Soil and Water Conservation Fund for erosion control on land which is being converted to urban use.

LEGISLATIVE MEMO #6
STATUS REPORT – 2002 SESSION

NOTE: Changes from the last memo are shown in bold.

LB #	Subject	Committee/ Hearing Info.	Applicable Legis. Memo(s)	Status (e-date)
57	Sales tax/public records		1	S
120	Ag land values		1	IP
121e	Base limitation/lid		1	IP
161	Poli. Sub. Tort claims		1	G
259	Counties/Occ. Tax/vacate roads?		1	AG(2/27)
290	Ag land at 50%		1	IP
301	Eng. & Arch. Act/triggers	HHS/2-8;1:30	1	G
355	Poli. Sub. Tort Claims/2 years		1	G
404	State Water Task Force		1	G
447	NRDs/Counties/Close Roads		1	IP
458	Water Well Board Report		1,2,4,5	S
504	Approp. for NREF		1	C
568ePB	Budget date/e-filing		1	AG(2-27)
600PB	Ag land/net earning value		1	S
628	State 404 program		1	IP
632	NGPC/# of members		1	IP
634	DOA fees/NREF		1	G
635	Approp. for NREF #2		1	C
636	Nat. Heritage Plates		1	C
708	Lottery/Env. Trust 14.5%		1	IP
709	NRD/Em. dom./rec. use		1	C
731	Vacancies/elected boards		1	IP
758PB&A	Fertilizer fee/excess/UNL		1	G
763	Storage/dams/LWCF		1,2	G
764	Stormwater/assess areas		1	IP
777	Amends to Nebr. NG-ESCA		1	G
778	NGPC/confidentiality		1	G
785	Railroad/Em. dom./DNR		1	C
791PB	Lottery/18% to funds		1	G
813e	Public facility financing		1	C
837e	DNR hearings/NRD/county		1	IP
889	Well Stand./Contractor's Lic.	N.R./1-23;1:30	2,5	IP
890	Well Regis. Fee Structure	N.R./1-23;1:30	2,5	G
891	ET Admin. Structure	N.R./1-25;1:30	2	G
903	Interstate Compact Sunshine Act	Gov./1-31;1:30	2	IP
936	Authorize Drainage Programs	N.R./2-7;1:30	2,5	C
937	NE Soil & Water Cons. Fund	N.R./1-23;1:30	2,5	C
938	NE Soil & Water Cons. Fund	N.R./1-23;1:30	2,5	C

Code: * (unofficial); (e) emergency clause; (CA) constitutional amendment; (C) in committee; (G) General File; (S) Select File; (F) Final Reading; (P) Passed; (AG) Approved by Governor; (IP) Indefinitely Postponed; (V) Vetoes; (LV) Line item veto of appropriation; (LWG) Became law w/o Governor's signature; (POV) Passed over Governor's Veto; (W) Withdrawn; (PB) Priority Bill; (A) includes appropriation bill; (PR) Priority Resolution

940	Enforce. of Well Regis. Statutes	N.R./2-13;1:30	2,5	G
941	Misc. Department Fees	N.R./1-31;1:30	2,4,5	IP
1023PB	Water Policy Task Force	N.R./1-24;1:30	2,5	G
1026	Adopt Water Rights Leasing Act	N.R./2-7;1:30	2	C
1066	Violations/Cease & Desist Orders	N.R./2-13;1:30	2,5	G
1161	Water Suppliers Pay Coun. Serv.	U.A./1-29;1:30	3,5	IP
1219	Approp. Funds to NRC	App./2-13;1:30	3,5	C
1230	MUDs/Retail Water & Gas Sales	U.A./2-5;1:30	3,5	IP
1272	Env. Resp. Cont. Fund/Lottery	N.R./2-20;1:30	3,5	IP
1288	Niobrara Council Powers	N.R./2-7;1:30	3,5	IP
1291	Scrap Tire Grant Trust/ET	N.R./2-13;1:30	3	IP